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5 Attorney for CEASAR MARTINEZ

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA

8 THE UNITED STATES OF AMERICA,) No. 2:21-cr-00020-JAM
9 Plaintiff,)
10 v.)
11 NEHEMIAH AVILA,) STIPULATION AND
12 CEASAR MARTINEZ, and) ORDER TO STATUS CONFERENCE
13 Defendants.)
=====)
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15 It is hereby stipulated between the parties, Adrian Kinsella, Assistant United States Attorneys,
16 Todd Leras, attorney for defendant NEHEMIAH AVILA, and Michael Long, attorney for defendant
17 CEASAR MARTINEZ, that the status conference set for November 12, 2024, at 9:00 a.m. should be
18 vacated and re-set for January 28, 2025, at 9:00 a.m., under the Local Code T-4 (to allow defense
19 counsel time to prepare).

20 The parties agree and stipulate, and request the Court find the following:

21 a. A continuance is requested to continue to allow the Defense to continue to review the
22 voluminous discovery, conduct investigation, confer with clients and discuss with the
23 government a potential resolution. All Counsel require additional time to prepare. Defendant
24 Martinez has been housed in Taft, California, for the past months and while that housing
25 designation is better for Mr. Martinez, it does reduce the contact Mr. Long is able to have with
26 Mr. Martinez. Setting up Zoom visits with Mr. Martinez can take days.
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1 b. Counsel for the Defendants believes the failure to grant a continuance in this case would deny
2 defense counsel reasonable time necessary for effective preparation, taking into account the
3 exercise of due diligence.

4 c. The Government does not object to the continuance.

5 d. Based on the above-stated findings, the ends of justice served by granting the requested
6 continuance outweigh the best interests of the public and the defendants in a speedy trial within
7 the original date prescribed by the Speedy Trial Act.

8 e. For the purpose of computing time under the Speedy Trial Act, 18 United States Code Section
9 3161(h)(7)(A) within which trial must commence, the time period of November 12, 2024, to
10 January 28, 2025, inclusive, is deemed excludable pursuant to 18 United States Code Section
11 3161(h)(7)(A) and (B)(iv), corresponding to Local Code T-4 because it results from a
12 continuance granted by the Court at defendant's request on the basis of the Court's finding that
13 the ends of justice served by taking such action outweigh the best interest of the public and the
14 defendant in a speedy trial.

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16 Nothing in this stipulation and order shall preclude a finding that other provisions of the
17 Speedy Trial Act dictate that additional time periods are excludable from the period within which
18 a trial must commence.

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20 Dated: October 30, 2024

21 Respectfully submitted,

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24 /s/ Michael D. Long
MICHAEL D. LONG
25 Attorney for Ceasar Martinez

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27 /s/ Todd Leras
TODD LERAS
28 Attorney for Nehemiah Avila

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2 Dated: October 30, 2024
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PHIL TALBERT
United States Attorney

4 /s/ Adrian Kinsella
5 ADRIAN KINSELLA
6 Assistant U.S. Attorney
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8 **ORDER**

9 **GOOD CAUSE APPEARING AND HAVING BEEN SHOWN, IT IS SO ORDERED.**

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11 The date for the status hearing in this matter is hereby **RESET** for **January 28, 2025, at**
12 **9:00 a.m.**, before District Court Judge John A. Mendez.

13 Time is excluded through the new hearing date of January 28, 2025.

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15 Dated: October 31, 2024

/s/ John A. Mendez

16 THE HONORABLE JOHN A. MENDEZ
17 SENIOR UNITED STATES DISTRICT JUDGE
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